IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 5161 of 2004

Between:

'SAKTI', a Voluntary Social Organisation for the upliftment of Tribes People
(Regd.No.76/85) Rampachodavaram
East Godavari District, rep.by its Director Dr.P.Sivarama Krishna.

..... PETITIONER

AND

The District collector, East Godavari District at Kakinada.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly one in the nature of a writ of mandamus declaring the inaction of the respondent in not passing final orders in the cases arising out of false community certificates under the provisions of A.P. (S.C.,S.T and B.C) Regulation of Issue of Community Certificates Act, 1993 for several years as illegal and void and consequently direct the respondent to pass final orders in accordance with law forthwith.

Counsel for the Petitioner: Mr.A.RAMALINGESWAR RAO

Counsel for the Respondent: GP FOR SOCIAL WELFARE

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

This Petition is filed as Public Interest Litigation by 'SAKTI', a voluntary social organization for the upliftment of Tribal people, Rampachodavaram, East Godavari District.

Petitioner alleged that there are 7 mandals in East Godavari District and there are about 2000 Kondakapu community people in two mandals out of 7, and, obtaining false community certificate has become a menace, and, in order to curb this tendency, Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation and Issue of Community Certificates Act, 1993 was enacted and rules were framed in 1997. Time limit has been prescribed for verification of the person's application for community certificate and for cancellation of false community certificate. In this background, petitioner pointed out that there are as many as 12 cases pending before the Collector, East Godavari and there was inaction on the part of the Collector in not passing appropriate orders in those cases. Thus, direction is sought against the Collector to forthwith dispose of pending cases.

After number of opportunities, M.Dana Kishore, Joint Collector and In-charge Collector, East Godavari has filed affidavit furnishing details stating that petitioner never approached the Collector with the grievances and straightaway approached the Court by filing the Writ Petition and had the petitioner approached the Collector, factual position would have been revealed. It is also stated that allegation that there is inaction on the part of the Collector is wrong. No doubt, cases of caste verification are pending with Collector for the last 10 years, but the Collector has assigned valid reasons in not disposing of the same. The reasons assigned in the affidavit are the hurdles created by the persons whose caste verifications are under scrutiny. It is stated that persons approached the Court by way of Writ Petitions as also the Writ Appeals and interim orders were passed by the Courts. We need not examine the reasons assigned in each particular case of which reference has been made. But, the affidavit deals with all the 12 cases against which the petitioner has grievance. In

some of the cases, the matters are stated to be pending in appeal, which is a statutory appeal provided under the provisions of the Act. However, the Collector, in the affidavit, has assured that in so far as the cases pending before him are concerned, he will make all possible endeavours to dispose of the same within a period of six months.

Considering the affidavit in reply, we dispose of this Writ Petition by taking the Joint Collector's stand on record with direction that all efforts will be made to dispose of all pending cases, as expeditiously as possible, without unnecessary delay. No costs.

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DEVINDER GUPTA, C.J.

31.8.2004.

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C.V.RAMULU, J.

VR.

To

1. The District collector, East Godavari District at Kakinada.

2. Two CCs to Govt. Pleader for Social Welfare, High Court Buildings, Hyderabad (OUT).

3. Two CD copies.